

ATTORNEY DOCKET NO.:  
062891.0579

SERIAL NO.  
09/997,453



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Malcolm M. Smith  
Serial No.: 09/997,453  
Filed: November 27, 2001  
Group No.: 2681  
Examiner: Jean Alland Gelin  
Notice of Allowance Mailed: July 20, 2005  
Confirmation No.: 6157  
Title: COMMUNICATION WITH FLOATING PHYSICAL CHANNEL

**Mail Stop ISSUE FEE**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**CERTIFICATE OF MAILING BY EXPRESS MAIL**

I hereby certify that the attached Issue Fee Transmittal (PTOL-85) (one (1) page) and Comments on Allowance are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on this 7th day of October 2005 addressed to Mail Stop ISSUE FEE, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Levado Hamilton

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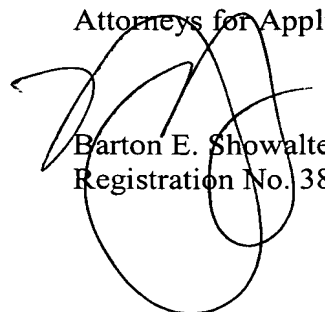
**Mail Stop Issue Fee**  
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P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**RESPONSE TO REASONS FOR ALLOWANCE**

Applicant appreciates the Examiner's allowance of Claims 3-12, 15-24, 27-36, 39-48 and 51-60. Pursuant to 37 C.F.R. § 1.104, Applicant respectfully issues a statement commenting on the Examiner's reasons for allowance. Applicants respectfully disagree with the Examiner's reasons for allowance to the extent that they are inconsistent with applicable case law, statutes, and regulations. Furthermore, Applicant does not admit to any characterization or limitation of the claims or to any characterization of a reference by the Examiner, particularly any that are inconsistent with the language of the claims considered in their entirety and including all of their constituent limitations.

Respectfully submitted,  
BAKER BOTTS L.L.P.  
Attorneys for Applicant

  
Barton E. Showalter  
Registration No. 38,302

Date: Oct 7, 2005  
CUSTOMER NO. 05073